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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,255	02/14/2001	Toshiro Ozawa	SNY-P4255.01	1703

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MILLER PATENT SERVICES  
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EXAMINER

LAO, SUE X

ART UNIT PAPER NUMBER

2126

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/783,255

**Applicant(s)**

OZAWA, TOSHIRO

**Examiner**

S. Lao

**Art Unit**

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-25, 42 and 43 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-14, 16-18, 26-41, 43-48 and 50-52 is/are rejected.
- 7) ☒ Claim(s) 6, 15 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### DETAILED ACTION

1. Claims 1-52 are presented for examination.
2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 26-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 recites "issuing API calls to the plurality of middleware software module in response to the HTTP request" in lines 14-15. There is insufficient antecedent basis for each of the limitations in the claim. It is noted that claim 26 previously recites the plurality of middleware software modules (line 9) and HTTP requests (line 8). For the purpose of art rejection, these are interpreted as "issuing API calls to the plurality of middleware software modules in response to the HTTP requests", as best understood and as they appear to be.

Claim 34 recites "the plurality of middleware software module in response to the request" in lines 14-15. There is insufficient antecedent basis for each of the limitations in the claim. It is noted that claim 34 previously recites the plurality of middleware software modules (line 9) and requests (line 8). For the purpose of art rejection, these are interpreted as "the plurality of middleware software modules in response to the requests", as best understood and as they appear to be.

Claims 26 and 34 recite "user commands that select selecting" in line 7, which is confusing. For the purpose of art rejection, it is interpreted as "user commands that select ", as best understood and as it appears to be.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5, 7-14, 16-18, 44-48, 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Infiesto (U S Pat. 6,453,259) in view of Chen et al (U S Pat. 6,195,694).

As to claim 10, Infiesto teaches a method of controlling local hardware or software (managing low level drivers 95, control hardware components) using a browser (browser 92), comprising:

directing a request (test request) from a browser (browser 92, col. 5, lines 55-58) to a local microserver (microserver 91) having an address (URL "scc.com/main.htm") (col. 4, lines 4-40);

at the microserver, parsing the request to perform controlling (perform test, col. 5, lines 48-58, 20-29).

Infiesto does not teach identifying a target interface module, directing the request to the target interface module, and generating an application call from the request at the target interface module.

Chen teaches a method of controlling local hardware or software (devices 130, system control 690) using a browser (browser 160), including at a microserver (interpreter 610), parsing a request (fig.s 7, 9), identifying a target interface module (640), directing the request to the target interface module (fig.s 6, 6A, 6B, 6C, 6D); and at the target interface module, generating an application call from the request (local APIs 440, 680) (mapping local APIs, fig. 9B). See col. 9, line 43 – col. 10, line 12; col. 10, line 63 – col. 11, line 55; col. 16, line 20 – col. 18, line 24. Therefore, it would have been obvious to include steps of identifying, directing and generating into Infiesto. One of ordinary skill in the art would have been motivated to combine the teachings of

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Infiesto and Chen because this would have provided a networking interface for a variety of applications, both local and remote (Chen, col. 2, line 64 col. 3, line 10).

As to claims 11-14, Infiesto as modified by Chen teaches sending the application call (Chen, local APIs) to a middleware software module (Infiesto, operating system), middleware software module controlling a lower level software code segment (Infiesto, low level driver), the lower level software code segment comprises a hardware driver (Infiesto, low level driver), controlling a hardware device using the hardware driver (Infiesto, low level driver controls hardware components). See Infiesto, col. 4, lines 22-31 and Chen, col. 9, line 43 – col. 10, line 12; col. 10, line 63 – col. 11, line 55; col. 16, line 20 – col. 18, line 24.

As to claim 16, Infiesto as modified by Chen teaches memory write operations (Infiesto, store in RAM, col. 4, lines 4-21) under the direction of the application call (Chen, local APIs to control devices) (see discussion of claim 1).

As to claims 17, 18, Infiesto teaches the request comprises an HTTP request (request from HTTP browser), the microserver comprises an HTTP microserver (functions as a HTTP server), and the HTTP request is directed to the HTTP microserver by a network stack / a TCP/IP network stack (TCP/IP). [It is noted that such directing is inherent to the TCP/IP operation of Infiesto]. See col. 4, lines 4-21.

As to claim 1, it is covered by claim 10 except that the request and microserver are respectively HTTP request and HTTP microserver. Note discussion of claim 17 for HTTP request and HTTP microserver. Further, an IP address would have been inherent to the microserver / server under TCP/IP protocol employed in Infiesto.

As to claims 2-5, note discussion of claims 11-14, respectively. Note the equivalence of API call of claim 2 and application call of claim 11.

As to claims 7-9, note discussion of claims 16-18, respectively.

As to claims 44-48, 50-52, these are program product claims of claims 1-5, 7-9, respective, and thus note claims 1-5, 7-9, respective, for discussions.

6. Claims 19-25, 42 and 43 are allowed.

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7. Claims 6, 15 and 49 objected to as being dependent upon a respective rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the respective base claim and any intervening claims.

8. Claims 26-41 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (571) 272-3764. A voice mail service is also available at this number. The examiner's supervisor, SPE Meng-Ai An, can be reached on (571) 272-3756. The examiner can normally be reached on Monday - Friday, from 9AM to 5PM. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

November 5, 2004



**SUE LAO**  
**PRIMARY EXAMINER**